

CASE SUMMARY

Land Development Code Amendment

MEETING:	City Council, July 10, 2012
CASE NUMBER:	LDC-11-512
PROPOSED AMENDMENT:	To add “religious institutions,” “amusement and recreation services, indoor” and “schools, trade, correspondence and vocational” as permitted uses in the LI, Light Industrial zoning district
CODE SECTION(S):	Chapter 18, Article 5, Division II, Sections 18-198
APPLICANT:	Michael Nadeau
PRESENTED BY:	Brian Chambers, Associate Planner
STAFF RECOMMENDATION:	APPROVAL
PLANNING COMMISSION RECOMMENDATION:	APPROVAL, 6-0
CITY COUNCIL ACTION:	APPROVED, 7-0

BACKGROUND

The applicant is requesting to amend the Land Development Code (LDC) to allow religious institutions under prescribed conditions and trade, correspondence and vocational schools and indoor amusement and recreation services by-right in the LI, Light Industrial district. The table below provides a detailed summary of the zoning districts in which each of these uses are currently permitted.

Table 2. Zoning districts and currently permitted uses.

Permitted Uses	Zoning Districts																		
	Single-family Districts	MHP	Multi-family Districts	MX	HD	HDMU	HD-R	O&I-1 & 2	NB	MSMU	CB	RB	CBD	CS	LI	IND	AI	RFMU	RO
Religious Institutions	PC	S	PC	P	S	S	S	PC	PC	PC	PC	PC	P	PC				P	
Schools, trade, correspondence and vocational						P		P		P	P	PC	P	P			PC		
Amusement and recreation services, indoor											P	P	P	P					

Note: P = Permitted by right, PC = Permitted under prescribed conditions, S = Special use permit, Blank = Not a permitted use

Religious institutions are currently allowed under prescribed conditions or by special use permit in all zoning districts except the industrial districts (LI, IND, AI) and the Residential-Office district (RO). Prescribed conditions and special use prerequisites include access requirements, outdoor lighting provisions, and additional bufferyard requirements.

Trade, correspondence and vocational schools are allowed by-right in most commercial districts and with prescribed conditions in the regional business (RB) and airport industrial (AI) districts. Prescribed conditions and special use prerequisites for schools include additional side and rear yard setbacks and outdoor lighting provisions.

“Amusement and recreation services, indoor” is defined by the LDC as “an establishment providing completely enclosed recreation activities.” Representative uses include arcades with coin-operated amusement devices and related amusements. This definition does not include bowling alleys, pool halls or roller skating facilities. Indoor amusement and recreation services are currently permitted by right in the CB, RB, CBD and CS districts.

ANALYSIS

In response to the current request, staff researched the land use regulations for City Council's identified benchmark cities as well as several other North Carolina cities (see Attachment 2 for full details). This research revealed that 63% of the municipalities allow religious institutions, trade schools and indoor amusement and recreation uses in their industrial districts. Fifty percent (50%) of the cities that allow indoor amusement and recreation uses in their industrial districts, only allow them in their light industrial districts.

The LI district is established to provide areas for office, distribution, warehousing, storage and light industrial uses in accordance with adopted plans and policies. The LI district is intended to be located for satisfactory integration into the surrounding area, so as not to negatively impact existing or planned non-industrial uses or residential areas. The LI district allows for limited non-industrial uses, such as professional office and retail uses that are intended to serve the employees of industrial uses as well as the surrounding area.

City Council recently added other non-industrial uses (night clubs, spas and health clubs) as permitted uses with prescribed conditions in the LI district. Prescribed conditions were adopted for these uses in order to limit the scale of these non-industrial uses so as not to constrain existing industrial sites or make it difficult for industrial uses to locate in certain areas. There are currently 317 acres of land zoned LI, which represents 0.9% of the city's total land area. Twenty-three percent (23%) of the city's light industrial land area remains undeveloped.

JUSTIFICATION

The following adopted focus areas are relevant to this request:

Diverse and Thriving economy – The city will create and implement a sustainable, regionally coordinated economic development plan and business-friendly processes and policies to attract new businesses of different sizes and types and support existing businesses.

Sustainability and Adaptability – The city will make decisions focused on ensuring the long-term financial, physical and environmental, and social health of the city. We will implement

initiatives designed to augment the city's capacity to respond to changing conditions with new solutions. Our actions will be based on a shared commitment to continuous improvement.

Applicability: The city's focus areas recognize that sustainability and adaptability are an important part of a thriving economy. The proposed uses are compatible with currently permitted uses in the LI district and would expand the options available to property owners looking to develop and/or redevelop underutilized or vacant buildings and tracts within these areas. The proposed amendment may allow for the adaptive reuse of existing buildings in the city's light industrial areas that may otherwise remain vacant; thereby, contributing to the tax base and helping to ensure the long-term financial stability of the city.

PROPOSED AMENDMENTS

Additions are underlined, deletions in ~~strikethrough~~.

Amend Article 5, Division II, Section 18-198 as follows:

Sec. 18-198. LI, Light Industrial District.

(b) *Uses Permitted by Right.* The following uses are permitted by right in the light industrial district, provided that they meet all requirements of this section and all other applicable requirements established in these regulations:

(47) Amusement and recreation services, indoor

(48) Schools, trade, correspondence, and vocational

(c) *Uses Permitted under Prescribed Conditions.* The following uses are permitted provided that they meet all requirements of this section, Article 6, and all other applicable requirements established in these regulations:

(23) Religious institutions

CONCLUSION/RECOMMENDATION

The LI district is established to provide areas for basic industrial uses, as well as allow for limited non-industrial uses that are intended to serve the employees of and the surrounding area. The city's light industrial areas are typically surrounded by commercial and/or office and institutional uses and in some cases are adjacent to residential areas. Indoor amusement and recreation services are currently allowed by-right in most of the city's commercial zoning districts and religious institutions are currently allowed under prescribed conditions or by special use permit in all zoning districts *except* the industrial districts. These uses are not inconsistent with currently permitted uses in the LI district and may allow for the adaptive reuse of existing vacant buildings in the city's light industrial areas. Allowing religious institutions under prescribed conditions would be consistent with how this use is currently permitted in the city's commercial zoning districts. Trade and vocational schools would meet the intent of the industrial districts, as these institutions may provide necessary training for employees of industrial uses. Staff believes these uses are not inconsistent with the intent of the LI district. Therefore, staff recommends **approval** of the proposed Land Development Code amendment.

NEIGHBORHOOD CONTACT

City Notifications:	Planning Commission	City Council
Signs Posted	N/A	N/A
Adjacent Letters	N/A	N/A
Advertisement Dates	6/1/12	6/29/12 & 7/6/12
General Inquires:	None	

ACTIONS TO DATE

Planning Commission: 5/2/12, Continued, 7-0

Information from the 5/2/12 Planning Commission meeting: No one spoke in favor of or in opposition to the proposed amendment. The applicant's initial request was to allow religious institutions, schools and indoor amusement and recreation services in both the LI, Light Industrial and IND, Industrial districts by-right. Planning Commission discussed their concern for the compatibility of permitting schools, religious institutions and amusement and recreation uses in the industrial districts, particularly the IND district. The Planning Commission continued the item until the June 6th meeting to allow time for staff to work with the applicant on possible alternatives for the proposed amendment that may address their concerns.

Information since the 5/2/12 Planning Commission meeting: Staff met with the applicant on 5/10/12 to discuss possible alternatives for modifying the requested amendment. The applicant has since modified their original code amendment request.

Planning Commission: 6/6/12, Recommended for approval, 6-0

Information from the 6/6/12 Planning Commission meeting: No one spoke in favor of or in opposition to the proposed amendment. Staff presented an alternative amendment based on Planning Commission's discussion at their 5/2/12 meeting. The applicant agreed to amend their request to coincide with the alternative amendment. After a brief discussion, the Planning Commission voted unanimously to recommend approval of the alternative amendment.

City Council: 7/10/12, Approved, 7-0

Information from the 7/10/12 City Council meeting: No one spoke in favor of or in opposition to the proposed amendment. After a brief discussion, City Council voted unanimously to approve the requested amendment on first and second reading.

ATTACHMENTS

1. Land Development Code Amendment Application (dated received 2/23/12)
2. Industrial zoning benchmark information
3. Map of areas zoned LI and IND in the Wilmington city limits. (dated 3/27/12)
4. Planning Commission Recommendation (dated 6/6/12)
5. Planning Commission Meeting Minutes (draft)

LAND DEVELOPMENT
CODE AMENDMENT
REQUEST

APPLICATION TO
AMEND THE LAND
DEVELOPMENT CODE
(CHAPTER 18)

The applicant requests that the City of Wilmington Land Development Code be amended as indicated below:

Applicant Information

Name: MICHAEL NADEAU

Mailing Address: P.O. Box 56 HAMPSTEAD NC
28443

Phone: 910 620 1237 Fax: 910 270 5110

Email: MIKE@CREATIVECOMMERCIALBIZ

Applicant Signature 

Action Requested

Article, Division, and Section of Land Development Code to be amended (be sure to include all applicable articles and sections): 18-198 18-199

Wording of proposed text amendment (attach additional sheets as necessary):

ADD "RELIGIOUS INSTITUTIONS", "SCHOOLS"

AND "AMUSEMENT AND RECREATION
SERVICES - INDOOR"

AS PERMITTED USES IN THE LIGHT INDUSTRIAL
(LI) AND IN INDUSTRIAL (IND) ZONES

RECEIVED

FEB 23 2012

PLANNING DIVISION

Explanation of impacts on the City as a whole and consistency with City plans and policies (Future Land Use Plan, corridor plans, Vision 2020: A Waterfront Downtown, etc.) (attach additional sheets as necessary):

- PROMOTE UTILIZATION OF LARGE STRUCTURES
FORMERLY INVOLVED IN MANUFACTURING USE
- IMPROVE APPEARANCE OF NOW-VACANT FACILITIES
- PROMOTE INCREASED TAX BASE THROUGH RENOVATION
OF OBSOLETE STRUCTURES
- RETURN JOBS TO ONCE-BUSY FACILITIES

Justification for amending the Land Development Code as proposed (attach additional sheets as necessary):

RECEIVED

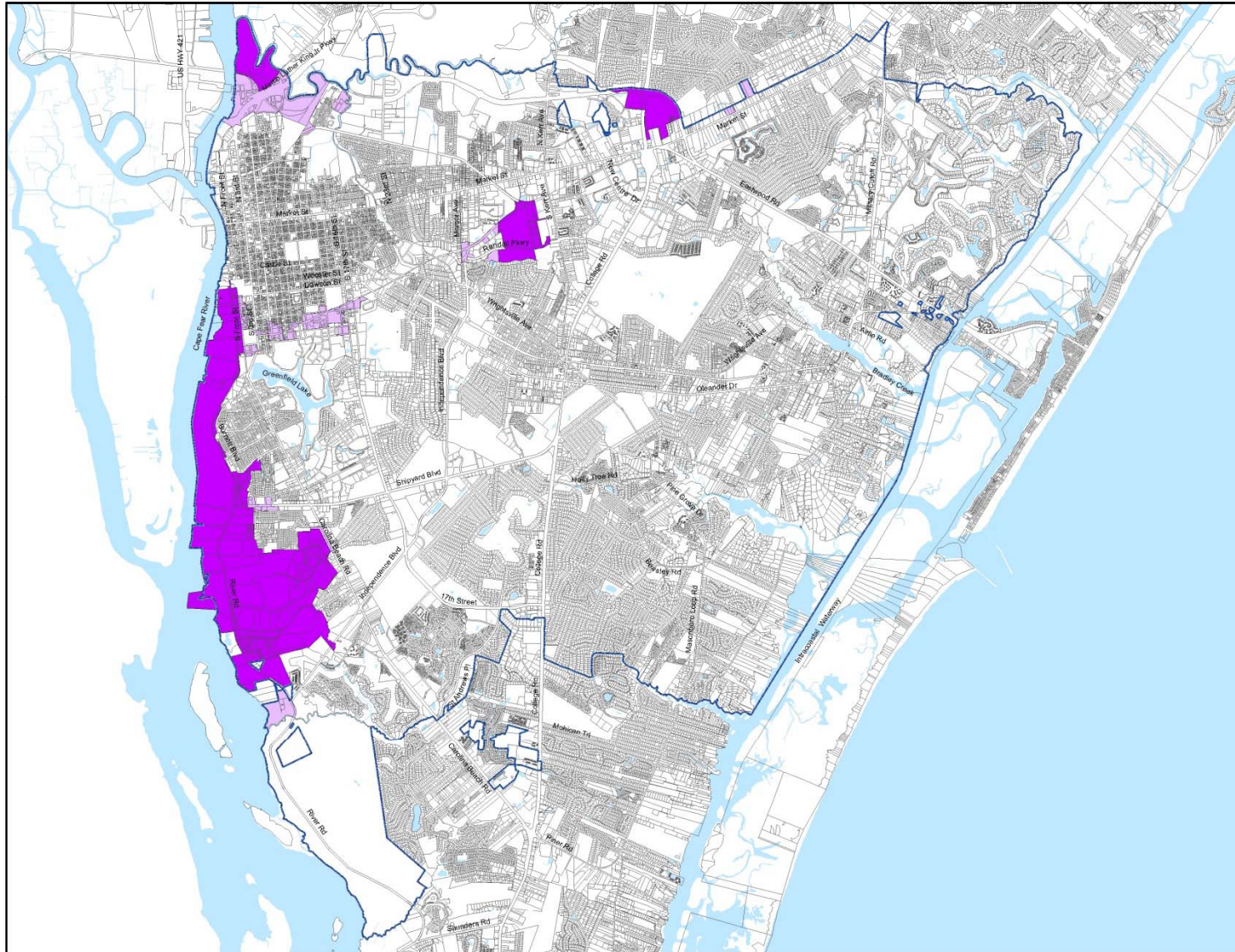
FEB 23 2012

PLANNING DIVISION

Industrial Zoning Benchmark Information

Attachment 2


Benchmark City	Industrial Zoning Districts	Uses		
		Religious Institutions	Schools	Amusement and recreation, indoor
		P = Permitted, C = Conditional, S = Special Use, N = Not Permitted		
Alexandria, VA	I, Industrial	N	N	S
Annapolis, MD	I1, Industrial	N	P	N
Asheville, NC	LI, Light Industrial	N	P (Trade schools)	N
	I, Industrial	P	P (Trade schools, Colleges & universities)	N
Charleston, SC	LI, Light Industrial	P	P	P
	HI, Heavy Industrial	P	P	P
Cary, NC	I, Industrial	P	P (Colleges)	N
Charlotte, NC	I-1, Light Industrial	P	P (Trade schools), C (Colleges & Universities)	P
	I-2, General Industrial	P	P (Trade schools), C (Colleges & Universities)	P
Chattanooga, TN	M-2, Light Industrial	N	N	N
	M-4, Outdoor Industrial	N	N	N
Durham, NC	IL, Industrial Light	C	P	P
	I, Industrial	N	N	N
Fayetteville, NC	M1, Industrial	N	N	N
	M2, Industrial	N	N	N
Greensboro, NC	LI, Light Industrial	P	P	P
	HI, Heavy Industrial	P	P	N
Greenville, NC	I, Industry	N	N	N
	IU, Unoffensive Industry	S	N	N
High Point, NC	LI, Light Industrial	P	P (Colleges)	P
	HI, Heavy Industrial	P	N	N
New Bern, NC	I-1, Light Industrial	P	P (Trade schools, Colleges)	P
	I-2, Heavy Industrial	P	P (Trade schools, Colleges)	N
Raleigh, NC	I-1, Industrial 1	P	P	P
	I-2, Industrial 2	P	P	P
Sante Fe, NM	I-1, Light Industrial	P	P (Trade schools), S (Primary & secondary schools)	P
	I-2, General Industrial	N	N	N
Savannah, GA	I-L, Light Industrial	N	P	P
	I-H, Heavy Industrial	N	P	N
St. Augustine, FL	IW, Industrial and	N	P (Trade schools)	N
St. Petersburg, FL	IT, Industrial Traditional	N	N	P
	IS, Industrial Suburban	N	N	P
Winston Salem, NC	LI, Limited Industrial	P	P (Trade schools)	P
	GI, General Industrial	P	P (Trade schools)	P
	CI, Central Industrial	P	P (Trade schools)	P



LDC-11-512

Current Industrial Zoning Districts

 LI, Light Industrial

 IND, Industrial



City of Wilmington

3/27/12

Agenda Item#: 4

Address: "religious institutions, etc."
amendment

Case Number: LDC-11-512

Hearing Date: 6-6-2012

Planning Commission Recommendation



Approval - this request is consistent with the objectives and policies of the following plans adopted by the City of Wilmington:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Future Land Use Plan | <input type="checkbox"/> Dawson-Wooster Corridor Plan |
| <input type="checkbox"/> Wrightsville Avenue Corridor Plan | <input type="checkbox"/> South 17 th St/Independence Blvd.
Corridor Plan |
| <input type="checkbox"/> Vision 2020: A Waterfront Downtown | <input type="checkbox"/> Special Highway Overlay District |
| <input type="checkbox"/> Carolina Beach Road Corridor Plan | <input type="checkbox"/> NorthSide Community Plan |
| <input type="checkbox"/> College Road Corridor Plan | <input type="checkbox"/> City of Wilmington Strategic Plan |
| <input type="checkbox"/> Market Street Corridor Plan | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Oleander Drive Corridor Plan | |

Therefore, the Planning Commission recommends approval of this request.

Denial - this request is not consistent with the objectives and policies of the following plans adopted by the City of Wilmington:

- | | |
|---|--|
| <input type="checkbox"/> Future Land Use Plan | <input type="checkbox"/> Dawson-Wooster Corridor Plan |
| <input type="checkbox"/> Wrightsville Avenue Corridor Plan | <input type="checkbox"/> South 17 th St/Independence Blvd.
Corridor Plan |
| <input type="checkbox"/> Vision 2020: A Waterfront Downtown | <input type="checkbox"/> Special Highway Overlay District |
| <input type="checkbox"/> Carolina Beach Road Corridor Plan | <input type="checkbox"/> NorthSide Community Plan |
| <input type="checkbox"/> College Avenue Corridor Plan | <input type="checkbox"/> City of Wilmington Strategic Plan |
| <input type="checkbox"/> Market Street Corridor Plan | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Oleander Drive Corridor Plan | |

Therefore, the Planning Commission recommends denial of this request.

Comments:

This report reflects the recommendation of the City of Wilmington Planning Commission, this the
6th day of June 2012.

Attest:


Chris Boney, Planning Commission Chairman